

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARC ELLIOT,

Plaintiff,

v.

Case No. 4:23-cv-01611

HBO HOME ENTERTAINMENT CORP., a
Delaware Corporation; JEHANE NOUJAIME,
an individual; KARIM AMER, an individual;
THE OTHRS, LLC, a Florida limited liability
company; THE OTHRS LICENSING CORP., a
Florida corporation; THE SQUARE, LLC, a New
York limited liability company; ISABELLA
CONSTANTINO, an individual; JOHN DOES
1–10,

Defendants.

**DEFENDANTS’ RESPONSE CONSENTING TO PLAINTIFF’S MOTION FOR
EXTENSION OF TIME TO SUBMIT JOINT PROPOSED SCHEDULING PLAN**

Defendants HBO Home Box Office, Inc. (incorrectly sued as “HBO Home Entertainment Corp.”); Jehane Noujaim (incorrectly sued as “Jehane Noujaime”); Karim Amer; The Othrs, LLC; The Othrs Licensing Corp.; The Square, LLC; and Isabella Constantino (collectively, “Defendants”) respond and consent to Plaintiff Marc Elliot’s Motion for Extension of Time to Submit Joint Proposed Scheduling Plan (Dkt. 37) as follows:

1. On May 6, 2024, this Court entered its Order Setting Rule 16 Conference, setting such conference for June 21, 2024, at 11:30 AM, and requiring the parties to meet and confer and to submit a Joint Proposed Scheduling Plan on or before June 11, 2024. The Order provided that counsel for Plaintiff was responsible for submission of the Joint Proposed Scheduling Plan.

2. At present, Plaintiff acts pro se in this matter.

3. On June 5, 2024, not having heard from Plaintiff, counsel for Defendants submitted to Plaintiff a proposed Scheduling Plan, conforming to the Track 2 Assignment set by the Court and inviting a conference regarding same and other case-related matters.

4. The parties agreed to discuss the proposed Scheduling Plan on Monday, June 10, 2024. Plaintiff and defense counsel conferred on that date. During that conference, and in an email that preceded it, Plaintiff advised that he was seeking to secure counsel, was not prepared to discuss or take a position on the proposed Scheduling Plan, and intended to file a motion seeking postponement of same, which he has now done.

5. Under the circumstances, Defendants do not oppose Plaintiff's request to extend the date for submission of a proposed scheduling plan or a corresponding postponement of the June 21, 2024 Scheduling Conference.

6. Moreover, there is presently pending before this Court, and fully briefed, a Motion to Dismiss or Transfer Venue, joined by all Defendants, asserting the following: (1) lack of personal jurisdiction over any Defendant; (2) improper venue; and (3) failure to state a claim. If granted, that Motion would be fully dispositive of the case on the merits or, at a minimum, dispose of any proceedings in this Court. Accordingly, granting Plaintiff's request will not unduly delay these proceedings, will not prejudice either party, and could expedite disposition of this action and prevent inefficient use of the Court's or the parties' resources.

Dated: June 11, 2024

Respectfully submitted,

LEWIS RICE LLC

By: /s/ Joseph. E. Martineau

Joseph E. Martineau (#32397MO)

Kolten C. Ellis (#74451MO)

600 Washington Avenue, Suite 2500

St. Louis, MO 63101

Telephone: 314.444.7600

Facsimile: 314.612.2042

jmartineau@lewisrice.com

kellis@lewisrice.com

BALLARD SPAHR LLP

Elizabeth Seidlin-Bernstein (*pro hac vice*)

1735 Market Street, 51st Floor

Philadelphia, PA 19103-7599

Telephone: 215.665.8500

Facsimile: 215.864.8999

seidline@ballardspahr.com

Attorneys For Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on all attorneys of record via the Court's electronic filing system this 11th day of June, 2024.

BALLARD SPAHR LLP

Elizabeth Seidlin-Bernstein (*pro hac vice*)

1735 Market Street, 51st Floor

Philadelphia, PA 19103-7599

Telephone: 215.665.8500

Facsimile: 215.864.8999

seidline@ballardspahr.com

Marc Elliot

5655 Pershing Ave, Apt. 529

St. Louis, MO 63112

Telephone: (314) 252-0579

marc@marcelliot.com

Plaintiff, pro se

Attorneys for Defendants

/s/ Joseph E. Martineau